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2
3 **STATE OF CALIFORNIA**
4 **WATER RESOURCES CONTROL BOARD**
5 **DIVISION OF DRINKING WATER**

6
7 **TO:** Pinon Pines Mutual Water Company
8 1467 Tecuya Drive
9 Frazier Park, CA 93255

10
11 **Attn:** Lee Benda, Board President
12 Pinon Pines Mutual Water Company

13
14 **CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,**
15 **TITLE 22, SECTION 64426(b)(2) - WATER SYSTEM NO. 1510054**

16 **Total Coliform MCL Violation – July 2014**

17 **C I T A T I O N N O. 03-19-14C-022**

18 **Issued on November 19, 2014**

19
20 Section 116650 of the California Health and Safety Code authorizes the issuance of a
21 citation to a public water system for violation of the California Safe Drinking Water
22 Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with
23 Section 116270) (hereinafter "California SDWA") or any regulation, standard, permit
24 or order issued or adopted thereunder.

25
26 The State Water Resources Control Board, acting by and through its Division of
27 Drinking Water (hereinafter "Division") and the Deputy Director for the Division
(hereinafter "Deputy Director"), hereby issues a citation to the Pinon Pines Mutual



1 Water Company (hereinafter, Water Company) (mailing address: 1467 Tecuya Drive,
2 Frazier Park, CA 93255) for violation of the California Code of Regulations (CCR),
3 Title 22, Section 64426, subsection (b)(2).

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6 **STATEMENT OF FACTS**

7 Pinon Pines Mutual Water Company is classified as a community water system and
8 serves a population of approximately 725 persons through 294 service connections.
9 The Water Company has four active sources of supply, Well 04 (Primary Station
10 Code: 1510054-003), Well 05 (Primary Station Code: 1510054-004), Well 06
11 (Primary Station Code: 1510054-005), Well 07 (Primary Station Code: 1510054-006),
12 three storage tanks and distribution system. No treatment is provided to the well water.
13 The Water Company operates under the authority of Water Supply Permit Number 03-
14 90-005, issued on March 19, 1990, by the California Department of Health Services
15 (now State Water Resources Control Board).

- 16
- 17 • The Water Company is required to collect four (4) routine bacteriological
18 samples per month.
 - 19 • Two (2) routine bacteriological quality samples collected on July 1, 2014, from
20 the distribution system, tested negative for total coliform bacteria.
 - 21 • Two (2) routine bacteriological quality samples collected on July 15, 2014,
22 from the distribution system, tested positive for total coliform bacteria.
 - 23 • Two (2) repeat bacteriological quality samples collected on July 17, 2014, from
24 the distribution system, tested negative for total coliform bacteria.
 - 25 • Two (2) repeat samples (also counted towards the Ground Water Rule's
26 triggered source sampling requirement) collected on July 17, 2014, from Well
27 Nos. 5 and 7, tested negative for total coliform bacteria.



- 1 • Pinon Pines Mutual Water Company failed the total coliform maximum
2 contaminant level (MCL) for July 2014 [Section 64426.1(b)(2),
3 *Authorities*].
- 4 • The Water Company was required to collect six (6) repeat samples in response
5 to the two (2) routine total coliform positive samples. Only two (2) repeat
6 samples were collected [Section 64424(a)(1), *Authorities*].
- 7 • None of the bacteriological quality samples collected in July 2014, from the
8 distribution system or the system wells, tested positive for *E.coli* bacteria.
- 9 • On July 17, 2014, Terry Liebel, Watermaster of the Water Company, notified
10 the Division that the Water Company failed the total coliform MCL for July
11 2014.
- 12 • On October 2, 2014, public notice and Proof of Notification forms were
13 emailed to the Water Company for the July 2014 total coliform MCL failure.
- 14 • On October 9, 2014, the Division received signed and dated copies of the
15 public notice and Proof of Notification from the Water Company. According to
16 these documents, public notification was completed on October 9, 2014.
- 17 • On October 2, 2014, an investigation report template was emailed to the Water
18 System for the July 2014 total coliform MCL failure.
- 19 • On October 7, 2014, the Division received a completed copy of the
20 investigation report (completed by Terry Liebel of the Water Company), in
21 response to the July 2014 total coliform MCL failure.
- 22 • The investigation report indicated the possible cause of contamination as the
23 sample bottles exposed to outside elements too long.
- 24 • Five (5) routine bacteriological samples collected on August 5, 2014, from the
25 distribution system, tested negative for total coliform bacteria.
- 26
- 27



- All four (4) routine bacteriological quality samples collected on September 2, 2014, and September 15, 2014, from the distribution system, tested negative for total coliform bacteria.
- All four (4) routine bacteriological quality samples collected in October 2014, from the distribution system, tested negative for total coliform bacteria.
- Results of all bacteriological samples collected from January 2014 to October 2014, are summarized in **Attachment A**.

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

“(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section.”...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

“(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

- (1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including



each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation.”

Section 116655 of the CHSC, states in relevant part:

“(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(2) That purification or treatment works be installed.”

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

| <i>Monthly Population Served</i> | <i>Service Connections</i> | <i>Minimum Number of Samples</i> |
|----------------------------------|----------------------------|----------------------------------|
| 25 to 1000 | 15 to 400 | 1 per month |
| 1,001 to 2,500 | 401 to 890 | 2 per month |
| 2,501 to 3,300 | 891 to 1,180 | 3 per month |
| 3,301 to 4,100 | 1,181 to 1,460 | 4 per month |
| 4,101 to 4,900 | 1,461 to 1,750 | 5 per month |
| 4,901 to 5,800 | 1,751 to 2,100 | 6 per month |
| 5,801 to 6,700 | 2,101 to 2,400 | 7 per month |
| 6,701 to 7,600 | 2,401 to 2,700 | 2 per week |
| 7,601 to 12,900 | 2,701 to 4,600 | 3 per week |
| 12,901 to 17,200 | 4,601 to 6,100 | 4 per week |
| 17,201 to 21,500 | 6,101 to 7,700 | 5 per week |
| 21,501 to 25,000 | 7,701 to 8,900 | 6 per week |
| 25,001 to 33,000 | 8,901 to 11,800 | 8 per week |
| 33,001 to 41,000 | 11,801 to 14,600 | 10 per week |
| 41,001 to 50,000 | 14,601 to 17,900 | 12 per week |
| 50,001 to 59,000 | 17,901 to 21,100 | 15 per week |

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

“(a) Results of all samples collected in a calendar month pursuant to Sections 64423,



64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

CCR, Title 22, Section 64424(a)(1) establishes the repeat sampling requirements and states in relevant part:

(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the Department allow the collection of the repeat sample set over a four-day period.

(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

DETERMINATIONS

Based upon the above Statement of Facts and Authorities, the Division determines that Pinon Pines Mutual Water Comapany has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water Company violated the total coliform MCL for July 2014 when more than one sample during the month, tested positive for total coliform bacteria.
2. CCR, Title 22, Section 64424(a)(1); Specifically, the Water Company failed to collect the required number of repeat samples in July 2014. Only two (2) repeat samples were collected from the distribution system, instead of the required six (6).

The above violations are classified as non-continuing violations.



DIRECTIVES

Pinon Pines Mutual Water Company is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64424(a)(1) and 64426.1(b)(2) of Title 22, California Code of Regulations.
2. The Water Company shall reimburse the Division, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 of the fiscal year (or by a different date if specified by the Division) following the fiscal year in which such costs are incurred as described in CHSC Section 116577(a)(1-2) and 116577(b).

FURTHER ENFORCEMENT ACTIONS

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Division to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the Division; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Division. The Division does not waive any further enforcement action by issuance of this citation.



PARTIES BOUND

This citation shall apply to and be binding upon Pinon Pines Mutual Water Company, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and Pinon Pines Mutual Water Company shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTY

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Division imposing an administrative penalty of not less than \$200 (two hundred dollars) for each day that the violation continues beyond the date set for correction in this Citation.

The Division does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

Nov. 19, 2014
Date

Jaswinder S. Dhaliwal
Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District
SOUTHERN CALIFORNIA BRANCH



Attachment

Attachment A: Bacteriological Summary January 2014 through October 2014

cc: Kern County Environmental Health Services Department (w/o attachment)
Terry Liebel, Watermaster, Pinon Pines MWC (via email)

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Attachment A

Pinon Pines MWC

1510054

Distribution System Freq: 4/M

| <i>Sample Date</i> | <i>Time</i> | <i>Location</i> | <i>T Coli</i> | <i>E Coli</i> | <i>F Coli</i> | <i>Type</i> | <i>Cl2</i> | <i>Violation</i> | <i>Comment</i> |
|---------------------------|--------------------|------------------------|----------------------|----------------------|----------------------|--------------------|-------------------|-------------------------|-------------------------------|
| 1/1/2014 | | 4 Samples | A | A | | Routine | | | |
| 2/1/2014 | | 4 Samples | A | A | | Routine | | | |
| 3/1/2014 | | 4 Samples | A | A | | Routine | | | |
| 4/1/2014 | | 4 Samples | A | A | | Routine | | | |
| 5/1/2014 | | 4 Samples | A | A | | Routine | | | |
| 6/1/2014 | | 4 Samples | A | A | | Routine | | | |
| 7/1/2014 | 9:00 | 1005 Eagle Lane | A | A | | Routine | | | |
| 7/1/2014 | 9:00 | 9104 Whispering Pines | A | A | | Routine | | | |
| 7/15/2014 | 9:00 | 1005 Eagle Lane | P | A | | Routine | | MCL | Citation 03-19-14C-022 issued |
| 7/15/2014 | 9:00 | 9104 Whispering Pines | P | A | | Routine | | | |
| 7/17/2014 | 9:00 | 1005 Eagle Lane | A | A | | Repeat | | | |
| 7/17/2014 | 9:00 | 9104 Whispering Pines | A | A | | Routine | | | |
| 8/1/2014 | | 5 Samples | A | A | | Routine | | | |
| 9/1/2014 | | 4 Samples | A | A | | Routine | | | |
| 10/1/2014 | | 4 Samples | A | A | | Routine | | | |

Pinon Pines MWC

1510054

Source Monitoring Freq:

| <i>Sample Date</i> | <i>Time</i> | <i>Source</i> | <i>T Coli</i> | <i>E Coli</i> | <i>F Coli</i> | <i>Violation</i> | <i>Comment</i> |
|---------------------------|--------------------|----------------------|----------------------|----------------------|----------------------|-------------------------|-----------------------|
| 1/30/2014 | 9:00 | Well 06 | A | A | | | |
| 7/17/2014 | 8:00 | Well 07 | A | A | | | Repeat & GWR sample |
| 7/17/2014 | 8:00 | Well 05 | A | A | | | Repeat & GWR sample |